Louisiana Department of Health
Health Plan Advisory 17-15
September 12, 2017

Guidance for Medicare Advantage Participation

The Louisiana Department of Health (LDH) is providing the following marketing guidance for managed care organizations (MCO) that also have, or plan to have, a Medicare Advantage product in Louisiana markets.

There are two marketing provisions in the MCO contracts (both found in Section 12) relative to Medicare Advantage Plans that prohibit MCOs and their partners from:

- Influencing enrollment in conjunction with the sale or offering of any private insurance or Medicare Advantage Plan.
- Referencing the commercial or Medicare Advantage Plan component of the MCO in any of its Medicaid MCO enrollee marketing materials.

Any MCO that has a Medicare Advantage product may use their Medicaid MCO name and branding, but any marketing materials must either avoid reference to the MCO's Medicaid product or make a clear distinction between the two products. This is necessary to ensure federal requirements against direct marketing to Medicaid members are not compromised.

LDH has no jurisdiction to approve or authorize any Medicare Advantage materials or activities, including the review of marketing and member materials. It is the responsibility of the MCO to ensure their Medicare products are approved by the proper authorities.

The individual MCO is responsible for ensuring that marketing does not violate any of the terms and conditions of their contract with LDH. This includes provider steering violations by network providers.

MCOs shall not utilize their Medicaid member data to outreach to potential members for their Medicare product line. Use of any data on Medicaid members for non-Medicaid purposes would be a violation of the confidentiality agreement in place between LDH and the MCO. This does not prohibit the Medicare Plan from utilizing other market research or purchased mailing lists to outreach to potential members that will likely include individuals on their Managed Care product line's member roster.